THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2603 of 2007

Date: 13.02.2007

Between:

Smt R.Kanaka Durga.

....Petitioner

And

Government of Andhra Prdesh, Rep., by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2603 of 2007

O R D E R:

Petitioner states that she purchased an extent of 362.5 square yards of land bearing plot No.15, in Survey No.87 of Vepagunta Village, Pendurthy Mandal, Visakhaptnam District, from one Sri B.V.Krishna Reddy, under an agreement of sale, dated 20.01.2005. According to her, the said agreement of sale was presented to the second respondent for registration. The grievance of the petitioner is that the second respondent is not entertaining any document, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the document presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

13.02.2007

Note: Issue C.C. in one week.

(B/o)

JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77